



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

J. Nichols Patrick  
P.O. Box 585  
Thermopolis, WY 82443

**AUG 13 2007**

RE: MUR-5889

Dear Mr. Patrick:

On December 20, 2006, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act")

On July 24, 2007, the Commission found, on the basis of the information in the complaint, that there is no reason to believe you violated the Act in connection with this matter. Accordingly, the Commission closed its file in this matter as it pertains to you. The Factual and Legal Analysis, explaining the Commission's finding, is enclosed.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Mark Allen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Cynthia E. Tompkins".

Cynthia E. Tompkins  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENT: J. Nichols Patrick**

**MUR: 5889**

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7 **I. INTRODUCTION**

8 This matter was generated by a complaint filed with the Federal Election Commission by  
9 Bill Maers, Campaign Manager for Cubin for Congress. *See* 2 U.S.C. § 437g(a)(1). The  
10 complaint alleges that Republicans for Trauner ("RFT"), a committee active in the 2006 general  
11 election for U S. Representative from Wyoming, along with J. Nichols Patrick (Chairman of  
12 RFT) and Stephen Simonton (founder of RFT), failed to report electioneering communications,  
13 failed to file a statement of organization with the Commission and failed to report receipts and  
14 disbursements, all in violation of the Federal Election Campaign Act of 1971, as amended ("the  
15 Act") *See* 2 U.S.C. §§ 434(f), 433(a), and 434(a)(4) The complaint asserts that RFT funded a  
16 newspaper advertisement, mailed flyers to 22,000 households across the State of Wyoming, and  
17 funded and produced radio advertisements Copies of all three communications were included  
18 with the complaint Each communication explicitly calls for the election of Gary Trauner; the  
19 newspaper advertisement and the flyer also explicitly call for the defeat of Representative Cubin.  
20 J Nichols Patrick did not respond to the complaint.<sup>1</sup>

21 **II. FACTUAL AND LEGAL ANALYSIS**

22 RFT raised \$28,471.00 and spent \$26,622.52 on independent expenditures supporting the  
23 election of Gary Trauner, the Democratic candidate, and opposing the re-election of

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<sup>1</sup> Public information indicates that Patrick is president of Rocky Mountain, Inc , a construction firm located in Cody, Wyoming Patrick is not listed in Commission records as making any contributions in connection with federal elections In press articles regarding RFT, Stephen Simonton is the sole individual reportedly speaking on behalf of RFT *See, e g ,* Richard Reeder, *Lawyer Launches Anti-Cubin 'Republicans for Trauner,'* CODY ENTERPRISE, September 25, 2006

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1 Representative Barbara Cubin, the Republican candidate. RFT initially registered and filed  
2 reports with the Wyoming Secretary of State but failed to timely register and report with the  
3 Federal Election Commission.

4 The complaint named J. Nichols Patrick as the RFT Chairman. The available  
5 information, however, does not suggest personal liability as to him. Accordingly, there is no  
6 reason to believe that J. Nichols Patrick violated the Act in connection with this matter.

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